

CAUSE NO. C-4581-24-C

**JUANA CRUZ, OFELIA BENAVIDES,
JOSE ELIAS NG, GABRIELA
VELAZQUEZ, RICARDO GONZALO,
MELESIO CRUZ, ANGELICA CHAVEZ,
CONCEPCION PEREZ, OLGA PEREZ,
MAURICO SANCHEZ, JORGE
MAULEON, HECTOR SANCHEZ,
HECTOR GONZALEZ, YESSY PEREZ
MARTINEZ, MARIA DE LOURDES CRUZ,
RESENDO LIEVANOS, ELIZABETH
LARA, LUIS ALBERTO ZUNIGA
CASTILLO, MIGUEL CABALLERO
SANCHEZ, GUILLERMO DE LA CRUZ
MENDOZA, CARLOS DANIEL LOPEZ,
GILDA RIVAS, ARMANDO MORALES DE
LLANO, LAZARO GARCIA, MARIA DE
JESUS MEDINA, RICARDO ESQUIVEL,
RAFAEL SANCHEZ, GUILLERMO RUIZ,
ROSA QUINTANILLA, MARIA
GUADALUPE VILLARREAL SILVA,
KARINA MEDINA, RAFAELA RIVERA,
ALICE FERNANDA CASTRO,
ALEJANDRO RANGEL, GERALD
WENDLE, III, MARIA VANTA, AND
MARIA RODRIGUEZ, INDIVIDUALLY,**

Plaintiffs,

v.

**DELIA GARZA A/K/A DELIA LUBIN,
SOFIA LUBIN A/KA SOFIA TREVINO,
LORENA LUBIN, ALEJANDRO
TREVINO, AND JUAN GARZA,**

Defendants.

IN THE DISTRICT COURT

139TH JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

**DEFENDANTS SOFIA LUBIN AND LORENA LUBIN'S ANSWER TO
PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION**

COMES NOW Defendants Sofia Lubin and Lorena Lubin (collectively, "Defendants") and file their Original Answer and Defenses (collectively, the "Answer") in response to the First Amended Petition (the "Petition") filed by Plaintiffs Juana Cruz, Ofelia Benavides, Jose Elias Ng, Gabriela Velazquez, Ricardo Gonzalo, Melesio Cruz, Angelica Chavez, Concepcion Perez, Olga Perez, Mauricio Sanchez, Jorge Mauleon, Hector Sanchez, Hector Gonzalez, Yessy Perez

Martinez, Maria De Lourdes Cruz, Resendo Lievanos, Elizabeth Lara, Luis Alberto Zuniga Castillo, Miguel Caballero Sanchez, Guillermo De La Cruz Mendoza, Carlos Daniel Lopez, Gilda Rivas, Armando Morales De Llano, Lazaro Garcia, Maria De Jesus Medina, Ricardo Esquivel, Rafael Sanchez, Guillermo Ruiz, Rosa Quintanilla, Maria Guadalupe Villarreal Silva, Karina Medina, Rafaela Rivera, Alice Fernanda Castro, Alejandro Rangel, Gerald Wendle, III, Maria Vanta, and Maria Rodriguez (collectively, the “Plaintiffs”). In support of their Answer, Defendants would respectfully show the Court as follows:

GENERAL DENIAL

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny the matters pled by Plaintiffs and respectfully request the Court require Plaintiffs to prove their claims and allegations by a preponderance of the evidence and/or clear and convincing evidence as required by the laws of the State of Texas. Defendants expressly reserve their rights to amend or supplement this Answer after further opportunity to investigate the claims and facts discovered during the pendency of this matter.

DEFENSES AND AFFIRMATIVE DEFENSES

Without conceding that it bears the burden of proof as to any issue, and pursuant to Rule 94 of the Texas Rules of Civil Procedure, Defendants assert the following defenses and affirmative defenses to each claim to which they apply and expressly reserve the right to assert additional defenses as needed.

2. Plaintiffs’ Petition fails, in whole or in part, to state a claim against Defendants for which relief can be granted.

3. Plaintiffs’ claims are barred by the doctrine of unclean hands.

4. Plaintiffs' claims are barred, in whole or in part, because they lack standing to bring the claims alleged.

5. Plaintiffs' claims are preempted, in whole or in part, by federal law.

6. Plaintiffs' claims are barred, in whole or in part, because Defendants did not owe Plaintiffs a fiduciary duty, nor did Defendants breach any alleged fiduciary duty or other duty owed to Plaintiffs, nor did Defendants commit fraud.

7. Plaintiffs' claims are barred by the doctrine of estoppel.

8. Defendants deny that they have violated any applicable federal or state law, rule, or regulations and denies that Plaintiffs are entitled any of the relief sought.

9. Plaintiffs' claims are barred by a failure to fulfill a condition precedent and a failure to exhaust their administrative remedies.

10. Plaintiffs' claims are barred, in whole or in part, by the duty to mitigate.

11. Plaintiffs' claims are barred, in whole or in part, by waiver.

12. Plaintiffs' claims are barred because it has sustained no damages.

13. Plaintiffs' claims for damage, which are denied, were the direct and/or proximate result of one or more acts and/or omissions of Plaintiffs and/or third parties over whom Defendants exercised no control and had no duty or right to control. Defendants did not proximately cause Plaintiffs' alleged damages.

PRAYER

WHEREFORE, Defendants Sofia Lubin and Lorena Lubin deny that Plaintiffs are entitled to any relief whatsoever under the allegations set forth in the Petition. Defendant prays that Plaintiffs take nothing by reason of this suit; that Defendants recover attorneys' fees, litigation

expenses, costs, and for other such and further relief to which they may show themselves to be justly entitled.

Dated: January 3, 2025

Respectfully submitted,

PORTER HEDGES LLP

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**ATTORNEYS FOR
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LORENA LUBIN**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below through the court's efilng system on the 3rd day of January 2025.

Ricardo Gonzalez
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/s/ Lorena D. Valle
Lorena D. Valle

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Laura Folk on behalf of William Stukenberg
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 Envelope ID: 95846253
 Filing Code Description: Answer
 Filing Description: Answer/Response
 Status as of 1/6/2025 8:23 AM CST

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